

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE COMPANY, et  
al.

Plaintiffs,

-against-

MALVINA DRUG CORP., et al.

Defendants.  
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**INITIAL SCHEDULING  
ORDER**

**20-CV-3339(FB)(VMS)**

Upon consent of the appearing parties and their counsel, it is hereby **ORDERED** as follows:

- 1) Defendant(s) shall answer or otherwise move with respect to the Amended Complaint by **N/A (already completed)**.
- 2) Initial disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by **November 30, 2020**, if not yet completed. The disclosures should include as detailed a calculation of damages as possible and authorizations for release of medical and other relevant records.
- 3) Initial document requests and interrogatories will be served no later than **December 31, 2020**. If the parties intend to issue interrogatories, they will serve no more than **25** interrogatories. The parties are informed that the presumptive cap on the number of interrogatories is 25, including subparts.
- 4) Any joinder and/or amendments of the pleadings must be made by **March 31, 2021**. By this date, the parties must either stipulate to the joinder and/or amendments of the pleadings or commence motion practice for leave to join and/or amend in accordance with the Individual Rules of the District Judge assigned to this case.
- 5) If the parties expect to engage in electronic discovery, they will submit a proposed plan to the Court by **January 29, 2021**.

- 6) Fact discovery closes **November 1, 2021.**

*Note: Treating physicians who may be called as fact witnesses should generally provide their reports or summaries and be deposed during fact discovery. Non-party fact discovery shall be completed by this date as well.*

- 7) As to expert disclosures,

a) The names, qualifications and area(s) of expertise of initial experts shall be served on or before **November 15, 2021.**

b) Initial expert witness reports shall be served on or before **December 1, 2021.**

c) Rebuttal expert witness reports shall be served on or before **January 14, 2022.**

- 8) All discovery, including any depositions of experts, shall be completed on or before **January 31, 2022.**

- 9) On or before **February 1, 2022,** the parties must file on ECF a joint letter confirming that discovery is concluded.

- 10) Any dispositive motion practice must be commenced by **March 1, 2022.**

*Note: Parties must consult the Individual Rules of the District Judge assigned to this case to determine, inter alia, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement must be submitted with the motion and whether such a motion should only be filed when fully briefed.*

- 11) A proposed joint pre-trial order must be filed by **March 31, 2022.**

- 12) Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?

a) Yes \_\_\_\_\_

b) No X\_\_\_\_\_ (Do **NOT** indicate which party has declined to consent.)

*If yes, fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form and file it on the Court's ECF system. See <http://www.uscourts.gov/FormsAndFees/Forms/CourtFormsByCategory.aspx>*

- 13) A discovery conference is set for \_\_\_\_\_ at \_\_\_\_\_ in person / by telephone. *(The Court will schedule this date)*. The conference call will be arranged and initiated by Plaintiff or Defendant (circle one) to Chambers at (718) 613-2300.
- 14) A joint discovery status letter must be filed on ECF by \_\_\_\_\_ in preparation for the discovery conference. *(The Court will schedule this date)*.
- 15) A final pre-trial conference is set for \_\_\_\_\_. *(The Court will schedule this date)*.
- 16) The parties may wish to engage in settlement discussions. To facilitate this process, Plaintiff(s) agree(s) to make a demand on or before **March 1, 2021**, and Defendant(s) agree(s) to respond to the demand on or before **March 8, 2021**.
- 17) Counsel request a referral to the Court's ADR program? Yes \_\_\_ No X
- 18) Any additional matters:

**This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date hereof.**

Dated: Brooklyn, New York  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

**CONSENTED TO BY COUNSEL:**

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